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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/607,892
Filing Date: June 27, 2003
Appellant(s): THIESSEN ET AL.

Scott A. Lund
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/05 appealing from the Office action mailed 6/1/04

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6264295	Bradsaw et al	7-2001
JP 0631906	Fuji	2-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 7-15 and 19-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw et al. (USPN 6,264,295).

With respect to claims 1 and 13, Bradshaw discloses a method and an apparatus of printing within a circular area of a media comprising:

- Positioning a print head (fig.2: element 210) including at least one column of nozzles above the circular area of the media (element 201), including

orienting the at least one column of nozzles substantially perpendicular to a radius of the circular extended below the print head (Fig.2, Fig.3)

- Rotating the media relative to the print head (Fig.2: element 201, 208, 214)
- Printing at least one arcuate print pattern within the circular area of the media with the print head while rotating the media (Column 8: line 10-15)
- Printing substantially perpendicular to the radius of the circular area of the media (fig.2 shows the print head prints a circular line on the CD in the direction along the line 214 while the CD is rotating, the circular line along the direction 214 is perpendicular to the radius of the circular area of the CD)

With respect to claims 2 and 14, Bradshaw discloses wherein positioning the print head includes orienting the at least one column of nozzles substantially parallel to a tangent of the circular area at the radius of the circular area (Fig.2, 3).

With respect to claim 3 and 15, Bradshaw disclose printing at least one arcuate print pattern includes printing the at least one arcuate print pattern along an arc about a center of the circular area of the media and printing at least one arcuate print pattern (Column 7: line 60-65, Column 8: line 9-14).

With respect to claims 7 and 19, Bradshaw discloses at least one column of nozzles includes a first column of nozzles and a second column of nozzles spaced from and oriented substantially parallel to the first column, and wherein printing at least one arcuate print pattern includes printing a first arcuate print pattern with the first column

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and a second pattern with the second column (Fig.3: element 304, Column 7: line 60-65).

With respect to claims 8, 9, 20 and 21, Bradshaw discloses moving the print head and the media relative to each other in a direction substantially parallel to the radius of the circular area of the media and the media relative to each other including moving the print head along the radius of the media (Fig.2 shows the platter rotating by arrow 214 and the head 210 is moving along by arrow 212).

With respect to claims 10-12 and 22-24, Bradshaw discloses the circular area of the media includes an annular area of the media, the media includes an optical data storage disk and the media includes a label for an optical storage disk (Column 4: line 60-61; Column 5: line 35-42).

2. Claim 48 stands rejected under 35 U.S.C. 102(b) as being anticipated by Yuji (JP0631906).

With respect to claim 48, Yuji discloses a system for processing an optical data disk comprising:

- Means for rotating the optical data disk (Page 3; claim 3)
- Means for simultaneously printing on the optical data storage disk from a first side of the disk and recording to the disk from a second side of the disk opposite the first side as the disk rotates (fig.2: element 1, 24, 4, Page 6 :[0008]).
- printing substantially perpendicular to the radius of the circular area of the media (fig.3, 4 shows the print head prints circular line on the CD while the CD is

rotating, the circular line is perpendicular to the radius of the circular area of the CD)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-27, 29-38 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. (USPN 6,264,295) in view of Yuji (JP 0631906).

With respect to claims 25 and 36, Bradshaw discloses a method of printing on an optical data disk comprising positioning a print head adjacent a first side of the optical data (Fig.2: element 210, 201); a print head including orienting a column of nozzles of the print head substantially perpendicular to a radius of the optical storage disk extended below the print head (Fig.2: element 210, fig.3: element 304); rotating the optical data disk relative to the print head (Fig.2) and printing at least one arcuate print pattern on the optical data disk with the print head while rotating the disk (fig.2) and printing substantially perpendicular to the radius of the circular area of the media (fig.2 shows the print head prints circular line on the CD in the direction along the line 214 while the CD is rotating, the circular line along the direction 214 is perpendicular to the radius of the circular area of the CD)

With respect to claims 26 and 37, Bradshaw discloses wherein positioning the print head includes orienting the at least one column of nozzles substantially parallel to a tangent of the circular area at the radius of the circular area (Fig.2, 3).

With respect to claims 27 and 38, Bradshaw disclose printing at least one arcuate print pattern includes printing the at least one arcuate print pattern along an arc about a center of the circular area of the media (Column 7: line 60-65, Column 8: line 9-14).

With respect to claims 34 and 45, Bradshaw discloses moving the print head along the radius of the disk (Fig.2: element 210, 212)

However, Bradshaw fails to teach a recording head adjacent a second side of the optical data disk opposite the first side and recording the optical data storage disk with the recording head while rotating the disk and limitation of claims 31-33 and 35.

Yuji teaches a recording head adjacent a second side of the optical data disk opposite the first side and recording the optical data storage disk with the recording head while rotating the disk (Fig.2: element 6, 1, Page 12: [0022]).

With respect to claims 31 and 42, Yuji discloses printing on the optical data storage disk and recording to the disk includes simultaneously printing and recording (page 6: [0008]).

With respect to claims 32, 35, 43 and 46, Yuji discloses printing on the disk and recoding on the disk includes printing and recording while rotating the disk at a predetermined speed (Page3: claim 3).

With respect to claim 33, Yuji discloses the print head and the disk relative to each other and the recording head and the disk relative to each other in a direction parallel to the radius of the disk (Fig.2: element 1).

With respect to claim 44, Yuji discloses the print head and the recording head are adapted to move relative to the disk in a direction substantially parallel to the radius of the disk (Fig.2: element 1, 4, 24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the printing head and recording head one on each side of the disk to printing and recording data onto the disk as taught by Yuji. The motivation of is by doing so the manufacturing processes are more efficient without taking a long time to write and print on the disk.

4. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. (USPN 6,264,295) in view of Yuji (JP 0631906).

Bradshaw discloses a print head (fig.2: element 210) including at least one column of nozzles above the circular area of the media (element 201), including orienting the at least one column of nozzles substantially perpendicular to a radius of the circular extended below the print head (Fig.2, Fig.3) and means for rotating the disk (fig.2).

However, Bradshaw fails to teach simultaneously printing on the optical data storage disk from a first side of the disk and recording to the disk from a second side of the disk opposite the first side as the disk rotates.

Yuji discloses simultaneously printing on the optical data storage disk from a first side of the disk and recording to the disk from a second side of the disk opposite the first side as the disk rotates (fig.2: element 1, 24, 4, Page 6:[0008]) and the recording head positioned on the second side of the disk (Fig.2: element 6, 4, 1)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the printing head and recording head one on each side of the disk to printing and recording data onto the disk as taught by Yuji. The motivation of is by doing so the manufacturing processes are more efficient without taking a long time to write and print on the disk.

(10) Response to Argument

Applicant argues that Bradshaw discloses printing parallel with a radius of the media not perpendicular to a radius of the media. The argument is not deemed to be persuasive because referring to Column 7; line 60-67, Bradshaw discloses that the nozzle area may even cover the entire radial dimension, thereby being capable of simultaneously printing at every point along a particular radius of the platter. Therefore printing along the radius of the platter, the circular line along the radius is perpendicular to the radius of the platter. Furthermore, fig.2 clearly shows the print head prints a circular line on the CD in the direction along the line 214 while the DC is rotating, the circular line along the direction 214 is perpendicular to the radius of the circular area of the CD.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte dismissal of the appeal* as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the **TWO MONTH** time period set forth above. See 37 CFR 1.136(b) for extensions of time to

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reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

An appeal conference was held on Jan. 20, 2006 with the following conferees:

Respectfully submitted,

AHH

Mr. Hirshfeld, Andrew, SPE

Mr. Manish Shah, Primary

ms

2/6/06

**MANISH S. SHAH
PRIMARY EXAMINER**

Tran Ly, Examiner

Ly Tran

Feb. 4, 2006